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Human rights situations that require the Council's attention

Written statement* submitted by the Women's Human Rights International Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

NGOs declaration on the situation of camp LIBERTY (Iraq)

We express our deep concern about the plight of about 2500 defenceless men and women, refugees in Iraq, being held inside Camp Liberty near Bagdad airport, as they await international cooperation to enable them to be resettled securely in other countries. Since their transfer from Ashraf camp, as of August 2015, and despite UN promises, less than 20 % of the residents have been resettled outside Iraq.

In addition to the six deadly assaults on Ashraf and Liberty that led to the loss of life of 116 persons. 26 Camp Liberty residents have also died due to lack of timely access to medical care.

Protection of the refugees

The rights of these individuals were systematically violated by the former government of Iraq (GoI) acquiescing to the Iranian government's demands. We are, therefore, determined to call attention to their mistreatment and insist that UNAMI and the governments most directly concerned, including Iraq and the United States, must fulfil their commitments and responsibilities. Protecting these refugees' basic rights and ensuring their safety is a benchmark of Iraq's respect for international law and a measurement of how the GoI's standards may differ from those of its predecessor.

In a letter to the GoI on 6 August 2014, HRC's Special procedures mandate-holders wrote: "*in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Independent Expert on the promotion of a democratic and equitable international order and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/7, 18/6 and 26/12. (...)Without prejudging the accuracy of the information made available to us, we reiterate our concern that investigations into the attacks of 1 September 2013 appear to fall short of basic standards and principles of independence and impartiality, and have remained inconclusive. Our serious concern extends to the five previous attacks against that community, none of which has been properly investigated, and for which no one has been brought to account. We are further concern that the whereabouts of the seven persons abducted during the 1 September 2013 attack remain unknown.*

"The past 6 attacks against that community, the lack of proper investigations and of effective measures to protect its members, heightens our concern about its vulnerability to further attacks, especially in the context of the recent upsurge in fighting in the country including in areas close to the camp." (Emphasis added).

Breach of the Memorandum of Understanding

The continued medical and logistical blockade of Camp Liberty is a grave violation of human rights and humanitarian standards, as well as a flagrant breach of the Memorandum of Understanding signed between the United Nations and the Government of Iraq on 25 December 2011.

The MoU stipulates that:

> *"Third: Management of the Temporary Transit Locations*
> *The transit locations meet humanitarian and human rights standards.*
> *Accommodation infrastructure, hygiene facilities, medical care and facilities for religious observance while taking into consideration the separation between the sexes in Camp Liberty. The Government shall allow internal and external communication in accordance with the Iraqi laws.*
>
> *The Government shall facilitate and allow the residents, at their own expense, to enter into bilateral contact with contractors for provision of life support and utilities such as water, food, communications, sanitation, and maintenance and rehabilitation equipment.*
>
> *The Government shall allow residents to move their individual movable assets from Camp New Iraq into Camp Liberty. The Government of the Republic of Iraq shall allow the entry of an adequate number of vehicles for transportation within the camp".*

Refugee cards for all residents

As set out in their report of June 2015, former Special Representative of Secretary General Ad Melkert, and former Chief of Human Rights office of the UNAMI, Tahar Boumedra, a major problem is the failure to officially declare Camp Liberty as a refugee camp and issuing refugee cards for all residents. The residents of Camp Liberty have been officially recognized by UNHCR as "asylum seekers" and people of concern since 2011, and are thus entitled to UNHCR documentation to prove their identity. Any delay in delivering such documentation exposes them to abuses and help their persecutors to enjoy impunity.

Harassment of the residents continues

One year after the new government came to office, and upon orders from the Governmental Committee tasked to suppress Liberty residents that works under Faleh Fayyad, the National Security Advisor to Government of Iraq, daily harassment of the residents continues by individuals in charge of security in the Camp. We recall that Faleh Fayyad has supervised seven years of siege and six massacres against Ashraf and Liberty. At present intelligence army officers Sadeq Mohamed Kazem and others are preventing basic necessities from getting to Liberty by ramping up the siege.

The impeding of access to medical care

On January 22, 2015, the Medical Committee of the Camp Liberty announced that 907 PMOI members, including 245 women, are awaiting urgent medical treatment: 117 of them have been on the waiting list since 2012. Since then little if any progress has been made on this regard. On August 23, 2015 Iraqi officers stopped four patients from going to the hospital in Baghdad. This was the second time that these patients, who have eye surgeries scheduled, were prevented from going to the hospital. Meanwhile, on August 20, 2015, four other patients were prevented from seeking ear treatment at a hospital in Baghdad. Residents' representatives have repeatedly raised this issue with UNAMI and the U.S. Embassy to no avail.

The plundering of residents' properties at Camp Ashraf by persons who claim to be affiliated with the government

When in 2011 the issue of relocation from Ashraf to Liberty was raised the residents were assured on several occasions by US and UN in writing that they will be able to sell their properties and would facilitate protecting them until they are sold. The joint plan prepared on 5 September 2013 by the United Nations Assistance Mission in Iraq (UNAMI) and supported by U.S. Embassy stipulated: "*The GOI shall allow the residents to sell their property at any time*" and "*The GOI shall safeguard and guarantee all Ashraf property.*" In a September 6, 2013 letter to NCRI President-elect Mrs. Maryam Rajavi, Ms. Beth Jones, then-Assistant Secretary of State for Near Eastern Affairs, confirmed this plan, writing:

> *"The United Nations will help facilitate the safeguarding of the property at Ashraf through your retention of a trusted local security firm. The U.S. Embassy will do its utmost to support these efforts."*

Based on these two guarantees, the residents left Camp Ashraf. Yet, the GOI neither allowed any property to be sold nor permitted retention of a private security firm, whose services could have protected the property. Now, most of which have been looted by government affiliated forces. By refusing to compensate the residents for their property occupied by the government forces, the Government of Iraq is denying the residents finances to assist their resettlement outside Iraq into the third countries.

Recommendations

Given the repeated and written commitments of the Iraq's and U.S. governments and the United Nations to the security and wellbeing of Camp Liberty residents, these specific steps should be taken:

- The UNHCR should declare Camp Liberty as refugee camp under its supervision, and issue refugee ID card for all residents as refugee to avoid any misuse under the pretext of not having an identified "status;"

- The Government of Iraq should annul all decisions taken by Al-Maliki's government against residents, remove those responsible for previous attacks against residents from any responsibility on Camp Liberty and transfer the responsibility of the Camp to those within the Government of Iraq not affiliated with the Government of Iran ;

- The Government of Iraq should lift the siege, especially the medical siege, of Camp Liberty and insure that recognized international standards for living also stipulated in the Memorandum of Understanding signed by UN and the Government itself is implemented and that freedom of movement for the residents as repeatedly stressed by UNHCR, is respected;

- The Government of Iraq should allow the residents of Camp Liberty to sell their movable and immovable properties and/or compensate them for all property confiscated or stolen;

- The Government of Iraq should prevent public agents, military and para-military forces and their affiliates from assembling at Camp Liberty to engage in psychological torture of the residents or any other degrading acts against them, under the pretext of families;

- The United States should endeavour to assure that all its obligations regarding the residents of Camp Liberty are fulfilled;

- All relevant special procedures mandate holders should remain seized of this issue.